

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

RAMALDO BOTELLO-HERNANDEZ
Claimant

APPEAL NO: 15A-UI-01818-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFOPRCE
DEVELOPMENT DEPARTMENT**

**OC: 12/28/14
Claimant: Appellant (1)**

Iowa Code 96.3(7) – Overpayment of Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's February 4, 2015 (reference 03) determination that held him overpaid \$992 in benefits he received for the weeks ending January 3 through 24, 2015. The overpayment occurred as the result of a February 3 determination that disqualified him from receiving benefits. The claimant participated at the March 11 hearing. Raul Gutierrez testified on the claimant's behalf. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant has been overpaid benefits he received for the above weeks.

ISSUE:

Has the claimant been overpaid \$992 in benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of December 28, 2014. He filed claims for the weeks ending January 3 through 24, 2015. He received his maximum weekly benefit amount of \$248 for each of these weeks.

The claimant appealed the February 3, 2015 determination that disqualified him from receiving benefits. This determination has been modified, but still disqualifies the claimant from receiving benefits. See decision for Appeal No. 15A-UI-01817-DWT.

REASONING AND CONCLUSIONS OF LAW:

If an individual receives benefits he is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3(7). Based on the decision for Appeal No. 15A-UI-01817-DWT, the claimant is not legally entitled to receive benefits for the weeks ending January 3 through 24, 2015. He has been overpaid \$992 in benefits he received for these weeks.

DECISION:

The representative's February 4, 2015 (reference 03) determination is affirmed. The claimant has been overpaid \$992 in benefits he received for the weeks ending January 3 through 24, 2015.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can